

**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

---

*86 Chambers Street, 3rd floor  
New York, New York 10007*

February 3, 2021

**BY ECF**

The Honorable Jesse M. Furman  
United States District Judge  
Southern District of New York  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, New York 10007

Re: *Bonner v. Central Intelligence Agency et al.*,  
No. 19 Civ. 9762 (JMF)

Dear Judge Furman:

This Office represents defendants the Central Intelligence Agency (“CIA”) and Federal Bureau of Investigation (“FBI”) in the above-referenced Freedom of Information Act (“FOIA”) matter. We write respectfully on behalf of the parties to provide the Court with a status report.

As noted in previous status reports, the FBI has already completed its production of non-exempt records responsive to plaintiff’s FOIA request. The CIA is in the process of reviewing and processing a final group of potentially responsive records, including one record that requires inter-agency consultation. Given the nature of the remaining records and the agency’s reduced FOIA staffing and processing capabilities due to the COVID-19 public health emergency, the CIA anticipates that it will complete its review and make a final production of non-exempt material no later than Thursday, March 4, 2021, in advance of the parties’ next status report.

In the meantime, the parties have begun to meet and confer regarding the agencies’ withholdings in an effort to identify and resolve any outstanding disputes. At plaintiff’s request, and in an effort to determine whether this case can be resolved without summary judgment briefing, the agencies have agreed to provide draft *Vaughn* indexes with regard to documents withheld in full pursuant to one or more FOIA exemptions. The FBI expects to provide a draft index within the next week, and the CIA will provide a draft index after it makes its final production, and by March 4, 2021.

The parties respectfully propose to submit status reports every 30 days, with their next report due on Friday, March 5, 2021.

We thank the Court for its consideration of this letter.

Respectfully submitted,

AUDREY STRAUSS  
United States Attorney for the  
Southern District of New York

By: /s/ Christopher Connolly  
SARAH S. NORMAND  
CHRISTOPHER CONNOLLY  
Tel.: (212) 637-2709/2761

*Counsel for Defendants*


MEDIA FREEDOM AND  
INFORMATION  
ACCESS CLINIC

By: /s/ David A. Schulz  
David A. Schulz  
Tel: (212) 850-6103

*Counsel for Plaintiff*

As a technical matter, this case has been stayed since April 2, 2020, due to COVID-19. See ECF No. 25. The parties' status reports, however, make plain that it is not being treated as stayed, and the Court sees no reason it should still be stayed. Accordingly, to the extent that it matters, the stay is hereby lifted. The parties shall submit another status report by March 5, 2021. In that report, they shall indicate (1) their views on the next steps in this litigation, including what the Court can or should do to resolve it; and (2) whether the Court should hold a conference to discuss next steps or anything else. The Clerk of Court is directed to update the docket to reflect that this case is no longer (formally) stayed.

SO ORDERED.



February 4, 2021